IN THE HIGH COURT OF JUDICATURE, ANDHRA

PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE 4th DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25924 of 2006

Between:

Vedula Govind Sharma & another

..... PETITIONERS

AND

The District Collector, Visakhapatnam
And two others.

.....RESPONDENTS

a n d

WRIT PETITION No. 21629 of 2006

Between:

P. Gopala Krishnam Raju & others

..... PETITIONERS

AND

The Government of A.P., rep. by
The District Collector, Visakhapatnam
And three others.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25924 of 2006,
And
WRIT PETITION No. 21629 of 2006,

COMMON ORDER:

The first writ petition i.e, W.P.No.25924 of 2006 is filed by the Petitioners questioning the Notification issued under Sec.4(1) of the Land Acquisition Act, dated 06.07.2006 with reference to the Sy.Nos.7/1 to 8 of Narava village, Pendurti mandal, Visakhapatnam district; while the second writ petition i.e., W.P.No.21629 of 2006 is filed by another set of persons questioning both the notification issued under Sec.4(1) and Sec.6 declaration with reference to some of the lands referred in the earlier writ petition.

2. In respect of the notification, the respondent authorities proposed to acquire an extent of Ac.71-00 land for which Sec.4(1) Notification was issued with reference to the lands situated at Narava village. It is stated that though after conducting Sec.5-A enquiry, Sec.6 declaration was also issued. However, in the earlier writ petition that was filed by some of the owners of the lands, Sec.6 declaration was quashed, directing the authorities to conduct 5-A enquiry, in spite of the fact that such enquiry was already conducted.

3. In the present writ petitions, the grounds that are urged by the petitioners are that an extent of Ac.560-00 land was acquired for the purpose of Export Processing Zone; out of which Ac.360-00 was used, leaving the remaining land of Ac.200-00. The said left over land is situated in Sy.Nos. 4, 5, 6 of the same village, i.e., Narava village. Now the respondents are proposed to acquire another extent of Ac.71-00 land. Since the land already acquired is available, which is left over by the respondents, the proposed acquisition is illegal and without jurisdiction.

4. Similarly, the other contention is that the land in question has already been converted into the non-agricultural land for the purpose of residential plots by changing even the master plan. As the authorities have already allowed the conversion of the land into the residential plots, where even some of the residential houses were put up, the proposed acquisition is illegal and without jurisdiction, and therefore, the Petitioners sought for quashing of the impugned notification. In fact, the petitioners in the second writ petition claimed to have a right over the lands that are referred to in the first writ petition to the extent of lands mentioned in the second writ petition.

5. In any case, without going into all those aspects, both the writ petitions are disposed of, since it is proposed to conduct Sec.5-A enquiry once again, and it is represented that notices have already been issued. The petitioners in both the writ petitions are entitled to file their objections and raise their claims raising all grounds that are available to them under law, which are required to be considered by the Land Acquisition Officer during the course of Sec.5-A enquiry. The Land

Acquisition Officer is also directed to pass appropriate orders after hearing all the parties.

6. The writ petitions are accordingly disposed of. No costs.

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S.ANANDA REDDY.J

Dated: 04..10..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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WRIT PETITION No. 25924 of 2006,
And
WRIT PETITION No. 21629 of 2006
COMMON ORDER

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Dt. 04...10...2007